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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/671,925

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Paul Roller Michaelis

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8458

(Michaelis)

47523

7590

12/13/2005

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EXAMINER

WOO, STELLA L

ART UNIT

PAPER NUMBER

2643

DATE MAILED: 12/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/671,925	MICHAELIS, PAUL ROLLER	
	Examiner	Art Unit	
	Stella L. Woo	2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 and 35-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 20-33 is/are allowed.
- 6) ☒ Claim(s) 1,2,9-19,35,36 and 42-52 is/are rejected.
- 7) ☒ Claim(s) 3-8 and 37-41 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2, 9-16, 35-36, 42-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Engelke et al. (US 5,604,786, hereinafter "Engelke '786") in view of Engelke et al. (US 5,724,405, hereinafter "Engelke '405").

Regarding claims 1, 15, 35, 48, Engelke discloses method (carried out by programmed microprocessor 32 of TDD/telephone 10) for communicating TTY calls, comprising the steps of:

detecting a TTY call (a text detector circuit detects the presence of incoming text, indicating a TTY call; col. 6, lines 58-64);

determining (VCO mode is determined by intelligent mode switching; Figure 3, step 106; col. 2, lines 59-64; col. 3, lines 56-64) that a display (display 20 of TDD/telephone 10) on a first telecommunication terminal (TDD/telephone 10) is to be used to display TTY information of the call from a second telecommunication terminal (terminal of opposite party; col. 7, lines 34-39) and that audio information will be transmitted to the second telecommunication terminal (in VCO mode, communication from the opposite

party is displayed while audio information spoken by the TDD/telephone 10 user is transmitted to the opposite party; col. 7, lines 34-39);

transmitting the display information to the first telecommunication terminal (information from the opposite party is received at display 20; col. 7, lines 38-39); and

muting an incoming call audio path from the second telecommunication terminal to the first telecommunication terminal (switch A provides a high impedance path between the received signal line 40 and the speaker 11, muting the sound received by the user; col. 6, lines 1-3).

Engelke '786 differs from claims 1, 15, 35, 48 in that it does not specify the display 20 as being a digital display and converting the TTY information to digital display information. However, Engelke '405 teaches the desirability of using a digital display to display TDD information and converting TDD information into digital display format (col. 13, lines 32, 39-50) such that it would have been obvious to an artisan of ordinary skill to incorporate the use of a digital display along with the necessary format conversion, as taught by Engelke '405, within the method of Engelke '786 for displaying the TDD information in a format conventionally used by digital computers.

Regarding claims 2, 9, 10, 16, 36, 42, 43, 49, in Engelke '786, in the VCO mode, audio information is generated at microphone 17 of the TDD device 10 (Figures 1 and 2; col. 7, lines 38-39).

Regarding claims 11-12, 44-45, VCO mode can be determined when the handset 16 is lifted by the user during TEXT mode (col. 7, lines 22-25).

Regarding claims 13, 46, VCO mode can be determined before a TTY call when an on/off key 27 is pressed (col. 6, lines 50-52).

Regarding claims 14, 47, the text detector circuit operates in accordance with programming instruction in the microprocessor 32 (col. 6, lines 58-60).

3. Claims 17-19, 50-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Engelke '786 in view of Engelke '405, as applied to claim 1 above, and further in view of Locke et al. (US 6,021,178, hereinafter "Locke").

The combination of Engelke '786 and Engelke'405 differs from claims 17-19, 50-52 in that it does not specify a voice message system. However, Locke teaches the well known use of a voice message system (messaging system 20) for handling TDD/voice calls (Abstract) such that it would have been obvious to an artisan of ordinary skill to incorporate such use of a voice messaging system, as taught by Locke, within the combination of Engelke '786 and Engelke'405 for handling TDD/voice calls when a user is not available to receive the call.

Allowable Subject Matter

4. Claims 20-33 are allowed.

5. Claims 3-8, 37-41 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


Response to Arguments

6. Applicant's arguments with respect to claims 1-2, 9-19, 35-36, 42-52 have been considered but are moot in view of the new ground of rejection.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stella L. Woo whose telephone number is (571) 272-7512. The examiner can normally be reached on Monday-Tuesday, Thursday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Stella L. Woo
Primary Examiner
Art Unit 2643